

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

HEATHER RAY, Individually and As
Parent and Natural Guardian of
HUNTER WHITE, A Minor,

Plaintiff,

v.

BENJAMIN ALVEY and AMAZON
LOGISTICS, INC.,

Defendant.

CIVIL ACTION NUMBER:

NOTICE OF REMOVAL

Defendant Benjamin Alvey¹ (hereinafter “Defendant”), by and through undersigned counsel, and pursuant to 28 U.S.C. § 1446, files this Notice of Removal of the action now pending in the State Court of Chatham County, State of Georgia, Civil Action File No. STCV23-01369, styled as *Heather Ray, Individually and as Parent and Natural Guardian of Hunter White, a Minor v. Benjamin Alvey and Amazon Logistics, Inc.* (the “Civil Action”), respectfully showing this Honorable Court as follows:

¹ Amazon Logistics, Inc. was named as an additional defendant in the caption of Plaintiffs’ Amended Complaint. However, Amazon was not served until August 23, 2023, and its deadline to respond has not yet passed. We will ultimately be representing Amazon in this lawsuit as well, and when we file Amazon’s Answer to Plaintiffs’ Amended Complaint, we will also file a Consent to this Removal on Amazon’s behalf.

1. On July 3, 2023, Plaintiffs Heather Ray, Individually and as Parent and Natural Guardian of Hunter White, a Minor (hereinafter "Plaintiffs") filed the Civil Action in the State Court of Chatham County, State of Georgia. Copies of the original Summons and Complaint and the Amended Complaint filed by Plaintiffs are attached hereto as "Exhibit A" and "Exhibit B," respectively.
2. The Civil Action was commenced in the State Court of Chatham County, Georgia, on July 3, 2023, and an Affidavit of Service on Defendant Benjamin Alvey was filed on August 4, 2023, a copy of which is attached hereto as "Exhibit C."
3. In the Civil Action, Plaintiffs pursue a cause of action for negligence and negligence per se against Defendants arising out of a September 7, 2021, motor vehicle accident in which Plaintiffs allege they sustained injuries. *See generally* (Complaint).
4. In the Civil Action, Plaintiff Heather Ray states that she sustained personal injuries, pain and suffering, economic losses, and other damages, including medical expenses of approximately \$246,647.91; and Plaintiff Hunter White states that he sustained past, present and future mental and physical pain and suffering and disruption of normal life and diminution in the enjoyment of life in the amount of \$10,000. *See generally* (Complaint).

5. In the Civil Action, Plaintiffs state that they will be seeking future medical expenses and future out of pocket expenses in an amount yet to be determined. (Complaint ¶ 18).
6. Because the amount in controversy in the Civil Action exceeds \$75,000.00, exclusive of interest, costs, and attorney's fees, the amount in controversy requirement necessary for removal pursuant to 28 U.S.C. §§ 1332(a), 1441(b) is satisfied.
7. At all times material to this litigation, Plaintiff has been a resident of the State of Georgia (Complaint ¶ 1).
8. At all times material to this litigation, Defendant Benjamin Alvey has been a resident of the State of South Carolina. (Complaint ¶ 2).
9. At all times material to this litigation, Amazon Logistics, Inc., is a domestic business corporation organized under the laws of Delaware with its principal place of business in the state of Washington. (A copy of Amazon Logistics, Inc.'s Annual Registration with the Georgia Secretary of State² is attached hereto as "Exhibit D.")
10. Because the Civil Action is between citizens of different States, removal on the basis of diversity is proper pursuant to 28 U.S.C. §§ 1332(a), 1441(b).

² This Court can take judicial notice of Amazon Logistics, Inc.'s state of incorporation and principal place of business, as "[c]ourts routinely take judicial notice of factual information found on official government agency websites." Middleton v. Uhaul Corp., No. CV423-126, 2023 U.S. Dist. LEXIS 134401, at *3 n.1 (S.D. Ga. Aug. 2, 2023).

11. Plaintiff filed an Affidavit of Process Server indicating that he had served Defendant Benjamin Alvey pursuant to O.C.G.A. § 40-12-2 with a copy of the Summons and Complaint on August 4, 2023. *See generally* (Affidavit of Service).
12. Accordingly this notice is timely filed pursuant to 28 U.S.C. § 1446(b)(1) and Fed. R. Civ. P. 6(a)(1)(C).
13. Pursuant to 28 U.S.C. § 1446(d), Defendant has provided written notice to all adverse parties and has filed a copy of this Notice of Removal with the Clerk of the State Court of Chatham County, State of Georgia (A copy of the Notice of Filing of Notice of Removal submitted to the Clerk of the State Court of Chatham County, State of Georgia is attached hereto as “Exhibit E”).
14. Defendant Amazon Logistics, Inc., has not yet appeared in this lawsuit; however, when we file an Answer on its behalf, we will also consent to the removal of this action on its behalf.

WHEREFORE, Defendant Benjamin Alvey respectfully submits this matter to this Court’s jurisdiction and removes the Civil Action to this Court.

This 31st day of August, 2023.

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CERTIFICATE OF SERVICE

This is to certify that I have this 31st day of August, 2023, caused the within and foregoing *NOTICE OF REMOVAL* to be served on all parties via statutory electronic service and/or by U.S. Mail with adequate postage attached which shall cause a copy to be delivered to the following:

Angela T. Gore
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Attorneys for Plaintiffs

Dated: August 31, 2023.

**WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP**

/s/ Benjamin S. Dorfman

Benjamin S. Dorfman
Georgia Bar No. 411030